



## CALIFORNIA STATE PERSONNEL BOARD

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ARNOLD SCHWARZENEGGER, Governor



### **CALIFORNIA STATE PERSONNEL BOARD MEETING**

801 Capitol Mall  
Sacramento, California

Public Session Location – 801 Capitol Mall  
Sacramento, California, **Room 108**  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

Closed Session Location – 801 Capitol Mall  
Sacramento, California, Room 108  
Teleconference – 320 West 4<sup>th</sup> Street  
Los Angeles, California, Suite 620

**SUMMARY MINUTES – JULY 26, 2005**

## **FULL BOARD MEETING AGENDA<sup>1</sup>**

**JULY 26, 2005**

### **PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

#### **1. ROLL CALL**

##### **Members Present:**

**William Elkins, President**  
**Maeley Tom, Vice President**  
**Anne Sheehan, Member**

#### **2. REPORT OF THE EXECUTIVE OFFICER – Floyd D. Shimomura**

- A.** Modifications to the Board hearing room have been largely completed to make it ADA compliant. The Department of General Services has done an excellent job and has been very cooperative in working with SPB staff to make the modifications in an attractive way. New carpeting will soon be laid.
- B.** The staff made a preliminary report on the feasibility of conducting a job fair in Los Angeles in response to a suggestion by Board President Elkins. The staff will continue to work on this concept and report back at future meetings.
- C.** The next SPB board meeting will be held at CPS headquarters and will include a report by CPS staff on two contracts which CPS performs for the Board. One contract relates to certification of bilingual interpreters for administrative hearings. The other relates to the audit of California counties for compliance with a federal funding requirement that they maintain a merit system for county agencies funded with federal health and welfare monies.

#### **3. REPORT OF THE CHIEF COUNSEL – Elise Rose**

##### **Litigation:**

- CDC v. SPB (Snell/Rodriguez/ W. Villareal, R. Villareal) – Superior court issued decision upholding the Board's finding that the CDC did not timely serve the notices of adverse action within the applicable statute of limitations; however the court reversed the Board's finding that the dishonesty charges were also barred by the statute of limitations.

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<sup>1</sup> The Agenda for the Board can be obtained at the following internet address:  
<http://www.spb.ca.gov/calendar.htm>

- McCollum v. State of California – Wiccan clergyperson challenging CDC's policy of having clergy classes for only 5 religions, not including Wiccan or other pagan religions. Board members and executive officer have been named but not served.

**Other:**

- Former Chief Administrative Law Judge Christine Bologna has accepted a transfer to the Public Employment Relations Board where she will serve as an administrative law judge.

**4. NEW BUSINESS**

**NONE**

**5. REPORT ON LEGISLATION – Sherry Hicks**

**NONE**

**CLOSED SESSION OF THE STATE PERSONNEL BOARD**

**6. DELIBERATION ON ADVERSE ACTIONS, DISCRIMINATION COMPLAINTS, AND OTHER PROPOSED DECISIONS SUBMITTED BY ADMINISTRATIVE LAW JUDGES**

Deliberations on matters submitted at prior hearing; on proposed, rejected, remanded, and submitted decisions; petitions for rehearing; and other matters related to cases heard by administrative law judges of the State Personnel Board or by the Board itself. [Government Code Sections 11126 (d), and 18653 (2).]

**7. PENDING LITIGATION**

Conference with legal counsel to confer with and receive advice regarding pending litigation when discussion in open session would be prejudicial. [Government Code sections 11126(e)(1) and 18653.]

State Personnel Board v. Department of Personnel Administration,  
California Supreme Court Case No. S119498.

State Personnel Board v. California State Employees Association,  
California Supreme Court Case No. S122058.

Connerly v. State Personnel Board, California Supreme Court,  
Case No. S125502.

International Union of Operating Engineers v. State Personnel Board,  
Public Employment Relations Board (PERB) Case No. SA-CE-1295-S.

State Compensation Ins. Fund v. State Personnel Board/CSEA,  
Sacramento Superior Court No. 04CS00049.

SEIU Local 1000 (CSEA) v. State Personnel Board,  
Sacramento Superior Court No. 05CS00374.

The Copley Press, Inc. v. San Diego Superior Court,  
California Supreme Court No. S128603.

Union of American Physicians and Dentists v. Department of Corrections, et al.,  
United States District Court, Northern District of California.

**8. RECOMMENDATIONS TO THE LEGISLATURE**

Deliberations on recommendations to the legislature.  
[Government Code section 18653.]

**9. RECOMMENDATIONS TO THE GOVERNOR**

Deliberations on recommendations to the Governor on scope of bargaining.  
[Government Code section 18653.]

**PUBLIC SESSION OF THE STATE PERSONNEL BOARD**

**10. DISCUSSION OF COMING BOARD MEETING SCHEDULE OF  
AUGUST 9-10, 2005, IN SACRAMENTO, CALIFORNIA**

The meeting has been changed to one day only to be held on August 9 at  
Cooperative Personnel Services.

**11. ADOPTION OF THE STATE PERSONNEL BOARD SUMMARY MINUTES OF  
JUNE 21, 2005**

**ACTION:** Adopted on July 26, 2005

**VOTE:** Elkins, Tom, Sheehan – Aye

**12. EVIDENTIARY CASES - (See Case Listings on Page 8-14)**

**13. RESOLUTION EXTENDING TIME UNDER GOVERNMENT CODE  
SECTION 18671.1 EXTENSION - (See Agenda Page 24-25)**

**14. NON-EVIDENTIARY CASES - (See Case Listings on Page 15-21)**

**15. NON-HEARING CALENDAR**

Proposals are made to the State Personnel Board by either the Board staff or Department of Personnel Administration staff.

**NONE**

**16. STAFF CALENDAR ITEMS FOR BOARD INFORMATION**

The Department of Personnel Administration requests that a Footnote 24 be placed on seven Printing Trades (PTS) classes in order to prevent any new appointments to these classes and to abolish the classes when they become vacant.

**ACTION: NOTED**

**17. CAREER EXECUTIVE ASSIGNMENT (CEA) CATEGORY ACTIVITY**

This section of the Agenda serves to inform interested individuals and departments of proposed and approved CEA position actions.

The first section lists position actions that have been proposed and are currently under consideration.

Any parties having concerns with the merits of a proposed CEA position action should submit their concerns in writing to the Classification and Compensation Division of the Department of Personnel Administration, the Merit Employment and Technical Resources Division of the State Personnel Board, and the department proposing the action.

To assure adequate time to consider objections to a CEA position action, issues should be presented immediately upon receipt of the State Personnel Board Agenda in which the proposed position action is noticed as being under consideration, and generally no later than a week to ten days after its publication.

In cases where a merit issue has been raised regarding a proposed CEA position action and the dispute cannot be resolved, a hearing before the five-member Board may be scheduled. If no merit issues are raised regarding a proposed CEA position action, and it is approved by the State Personnel Board, the action becomes effective without further action by the Board.

The second section of this portion of the Agenda reports those position actions that have been approved. They are effective as of the date they were approved by the Executive Officer of the State Personnel Board.

**A. REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS CURRENTLY UNDER CONSIDERATION**

**CHIEF, PUBLIC PARTICIPATION PROGRAM**

The Water Resources Control Board proposes to allocate the above position to the CEA category. The Chief, Public Participation Program will be the Water Board and Regional Water Board's primary expert on public participation issues and will be responsible for program development, providing guidance and policy direction to the Water Board and Regional Water Board Members and Executive level managers in all Water Board and Regional Water Board organizations.

**ASSISTANT CHIEF COUNSEL**

The State Compensation Insurance Fund proposes to allocate the above position to the CEA category. The Assistant Chief Counsel will head the legal services of the State Contract Services program. The responsibilities of the Assistant Chief Counsel will include formulating legal policies; developing and implementing the State Contract legal units and operational policies on behalf of the state contract services.

**DEPUTY DIRECTOR, OFFICE OF PROBLEM GAMBLING**

The Department of Alcohol and Drug Programs proposes to establish the above position to the CEA category on a permanent basis. SPB previously approved the CEA allocation Deputy Director, Office of Problem Gambling on a limited term basis for a period of twelve months effective November 30, 2004.

**ACTION: NOTED**

**B. EXECUTIVE OFFICER DECISIONS REGARDING REQUESTS TO ESTABLISH NEW OR REVISE EXISTING CEA POSITIONS**

**CHIEF DEPUTY DIRECTOR, ENTERPRISE TECHNOLOGY**

The Legislative Counsel Bureau's proposal to reallocate the existing CEA allocation, Director, Legislative Data Center to the Chief Deputy Director, Enterprise Technology has been approved effective June 24, 2005.

**CHIEF DEPUTY DIRECTOR, CUSTOMER SERVICES**

The Legislative Counsel Bureau's proposal to reallocate the existing CEA allocation, Chief Deputy Director, Legislative Data Center to the Chief, Deputy Director, Customer Services has been approved effective June 24, 2005.

**REGION CHIEF, COASTAL REGION, SANTA ROSA  
REGION CHIEF, CASCADE REGION, REDDING  
REGION CHIEF, SIERRA REGION, FRESNO  
REGION CHIEF, SOUTHERN REGION, RIVERSIDE**

The Department of Forestry's request to reallocate the following four existing CEA allocations: Assistant Region Chief, Operations, Southern; Assistant Region Chief, Administration, Southern; Assistant Region Chief; Operations, Northern and Assistant Region Chief, Administration, Northern to the above mentioned positions has been approved effective June 24, 2005.

**ACTION: NOTED**

**17. EMPLOYEE APPOINTMENTS, DISCIPLINARY MATTERS, & OTHER APPEALS**

Deliberations to consider matter submitted at prior hearing. [Government Code sections 11126(d), 18653.]

**NONE**

**18. WRITTEN STAFF REPORT FOR BOARD INFORMATION**

**NONE**

**19. PRESENTATION OF EMERGENCY ITEMS AS NECESSARY**

**NONE**

**20. BOARD ACTIONS ON SUBMITTED ITEMS (See Agenda - Page 22-23)**

These items have been taken under submission by the State Personnel Board at a prior meeting and may be before the Board for a vote at this meeting. This list does not include evidentiary cases, as those cases are listed separately by category on this agenda under Evidentiary Cases.

**A D J O U R N M E N T**

## 12. EVIDENTIARY CASES

The Board Administrative Law Judges conduct evidentiary hearings in appeals that include, but are not limited to, adverse actions, medical terminations, demotions, discrimination, reasonable accommodations, and whistleblower complaints.

### A. BOARD CASES SUBMITTED

These items have been taken under submission by the State Personnel Board at a prior meeting.

#### (1) **PATRICK BARBER, CASE NO. 04-0174PA**

Appeal from dismissal

**Classification:** Youth Correctional Counselor

**Department:** Department of the Youth Authority

Proposed decision adopted November 3, 2004  
modifying dismissal to 45 calendar days suspension  
Transcript prepared  
Pending oral argument June 7, 2005, Sacramento  
Oral argument continued  
Oral argument heard July 13, 2005, Sacramento

**NO ACTION**

#### (2) **JAMES MCAULEY, CASE NO. 04-1856**

Appeal from dismissal

**Classification:** Associate Transportation Engineer, Caltrans  
(Registered)

**Department:** Department of Transportation

Proposed decision rejected March 8-9, 2005  
Transcript prepared  
Oral argument heard June 7, 2005, Sacramento  
Case ready for decision by FULL Board

**NO ACTION**

### B. CASES PENDING

#### ORAL ARGUMENTS

These cases would have been on calendar to be argued at this meeting or to be considered by the Board in closed session based on written arguments submitted by the parties.

**NONE**



**C. CHIEF COUNSEL RESOLUTIONS**

**FERNANDO GANDERA, CASE NO. 99-3867E**

Complaint of discrimination and retaliation

**Classification:** Business Services Assistant

**Department:** Department of Veterans Affairs

**ACTION:** The Board issued a resolution granting appellant's request to augment complaint.

**COURT REMANDS**

This case would have been remanded to the Board by the court for further Board action.

**NONE**

**STIPULATIONS**

These stipulations would have been submitted to the Board for Board approval, pursuant to Government Code, section 18681.

**NONE**

**D. ADMINISTRATIVE LAW JUDGE'S (ALJ) PROPOSED DECISIONS**

**PROPOSED DECISIONS**

These were ALJ proposed decisions submitted to the Board for the first time.

On July 26, 2005, the Board adopted as indicated the following cases presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan – Aye

**(1) PATRICK BRASS, CASE NO. 04-1952**

Appeal from dismissal

**Classification:** Youth Correctional Counselor

**Department:** Department of the Youth Authority

**ACTION:** The Board rejected the ALJ's Proposed Decision revoking the dismissal. The Board will decide the case itself.

- (2) **RAUL CABAN, CASE NO. 05-0648**  
Appeal from 30 working days suspension  
**Classification:** Caltrans equipment Operator II  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the 30 working day suspension.
- (3) **ROYCE HENSON, CASE NO. 02-3501EAR**  
Appeal from retaliation claim  
**Classification:** Staff Services Manager II  
**Department:** Department of Forestry and Fire Protection  
**ACTION:** The Board adopted the ALJ's Proposed Decision denying the retaliation claim.
- (4) **WILLIAM JOHNSON, CASE NO. 04-1799**  
Appeal from five working days suspension  
**Classification:** Correctional Health Services Administrator I, CF  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision modifying the five working days suspension to an official reprimand.
- (5) **CATHY KURTZ, CASE NO. 04-1465**  
Appeal from termination from a Career Executive Assignment II  
**Classification:** Chief of Administration/Assistant Executive Officer  
**Department:** Board of Prison Terms  
**ACTION:** The Board adopted the ALJ's Proposed Decision affirming the termination, but awarding back pay through close of business July 6, 2004
- (6) **DALE MERICLE, M.D., CASE NO. 03-3296**  
Appeal from dismissal  
**Classification:** Physician and Surgeon, Correctional Facility  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the dismissal.
- (7) **ANDREW PLASS, CASE NO. 04-2845**  
Appeal from demotion from the position of Correctional Sergeant to Correctional Officer and 30 days' suspension  
**Classification:** Correctional Sergeant  
**Department:** Department of Corrections  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the demotion and revoking the 30 days' suspension.

- (8) **GERALD RAX, CASE NO. 04-2380**  
Appeal from ten percent reduction in salary for ten months  
**Classification:** Employment Program Representative  
**Department:** Employment Development Department  
**ACTION:** The Board adopted the ALJ's Proposed Decision sustaining the ten percent reduction in salary for ten months.
- (9) **LYNETTE RHEA, CASE NO. 04-1894E**  
Errata to decision adopted by the Board on May 17, 2005  
**Classification:** Assistant Caltrans Administrator  
**Department:** Department of Transportation  
**ACTION:** The Board adopted the ALJ's errata.

**Proposed Decisions Taken Under Submission At Prior Meeting**

These would have been ALJ Proposed Decisions taken under submission at a prior Board meeting, for lack of majority vote or other reason.

**NONE**

**PROPOSED DECISIONS AFTER BOARD REMAND**

**NONE**

**PROPOSED DECISIONS AFTER SPB ARBITRATION**

- (10) **ROBERTA COLLINS, CASE NO. 05-1053**  
Appeal from five working days suspension  
**Classification:** Officer, California Highway Patrol  
**Department:** California Highway Patrol  
**ACTION:** The Board adopted the ALJ's Arbitration Decision sustaining the five working days suspension.

**E. PETITIONS FOR REHEARING**

**ALJ PROPOSED DECISIONS ADOPTED BY THE BOARD**

The Board voted to grant or deny a petition for rehearing filed by one or both parties, regarding a case already decided by the Board.

On July 26, 2005, the Board took the following action on the following cases presented by Elise Rose, Chief Counsel, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan – Aye

- (1) RON CROTHER, CASE NO. 04-3038P**  
Appeal from three workday suspension  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**ACTION: DENIED**
- (2) NILOUFAR DIDEHVAR, CASE NO. 04-3047P**  
Appeal from dismissal  
**Classification:** Transportation Engineer, Caltrans (Civil)  
**Department:** Department of Transportation  
**ACTION: DENIED**
- (3) STEVE JACOBS, CASE NO. 03-3457P & 03-3458P**  
Appeal from 60 days suspension and demotion  
**Classification:** Chief, Plant Operations II  
**Department:** Department of Veterans Affairs  
**ACTION: DENIED**
- (4) JUDITH JONES, CASE NO. 04-1925P**  
Appeal from dismissal  
**Classification:** Public Safety Dispatcher II  
**Department:** Department of California Highway Patrol  
**ACTION: DENIED**
- (5) LAWRENCE KILGORE, CASE NO. 04-2748P**  
Appeal from official reprimand  
**Classification:** Correctional Lieutenant  
**Department:** Department of Corrections  
**ACTION: DENIED**

**WHISTLEBLOWER NOTICE OF FINDINGS**

The Board would have voted to grant or deny a petition for rehearing filed by one or both parties, regarding a Notice of Findings issued by the Executive Officer under Government Code, section 19682 et seq. and Title 2, California Code of Regulations, section 56 et seq.

**NONE**

**F. PENDING BOARD REVIEW**

These cases were pending preparation of transcripts, briefs, or the setting of oral argument before the Board.

**(1) JON CHASE, CASE NO. 04-0392A**

Appeal from 30 working days suspension

**Classification:** Associate Management Auditor

**Department:** Employment Development Department

Proposed decision rejected April 19, 2005

Transcript prepared

Pending oral argument July 13, 2005, Sacramento

Oral argument continued

Pending oral argument August 9-10, 2005, Sacramento

**NO ACTION**

**(2) GARY GARFINKEL, CASE NO. 98-3128RB**

Appeal for determination of back salary, benefits and interest

**Classification:** Deputy Attorney General IV

**Department:** Department of Justice

Proposed decision rejected July 13, 2005

Pending transcript

**NO ACTION**

**(3) INTERNATIONAL UNION OF OPERATING ENGINEERS,  
UNIT 12, LOCALS 3, 12, 39, & 501, CASE NO. 04-0813A  
[PSC File No. 04-002 (b)]**

Review of personal services contract for maintenance and grounds keeping

**Department:** California Science Center

Proposed decision rejected June 21, 2005

Pending transcript

**NO ACTION**

**(4) JOSEPH MARTINEZ, CASE NO. 04-2690A**

Appeal from dismissal

**Classification:** Hospital Police Officer

**Department:** Department of Mental Health

Proposed decision rejected May 17, 2005

Transcript prepared

Pending oral argument August 31-31, 2005, Los Angeles

**NO ACTION**

**(5) KIM RITTENHOUSE, CASE Nos. 03-3541A & 03-3542E**

Appeal from denial of reasonable accommodation

**Classification:** Office Technician (General)

**Department:** Department of Fish and Game

Proposed decision rejected May 18, 2004

Pending transcript

**NO ACTION**

**(6) ANDREW RUIZ, CASE NO. 04-2391A**

Appeal from dismissal

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections

Proposed decision rejected June 7, 2005

Pending transcript

**NO ACTION**

**(7) MARK SAMORA, CASE NO. 04-3091**

Appeal from dismissal

**Classification:** Correctional Lieutenant

**Department:** Department of Corrections

Proposed decision rejected June 7, 2005

Pending transcript

**NO ACTION**

**14. NON-EVIDENTIARY CASES**

**A. WITHHOLD APPEALS**

Cases heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff.

**WITHHOLD FROM CERTIFICATION**  
**CASES HEARD BY A STAFF HEARING OFFICER**

**NONE**

**WITHHOLD FROM CERTIFICATION**  
**CASES NOT HEARD BY A STAFF HEARING OFFICER**

On July 26, 2005, the Board adopted as indicated below the following decisions presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan - Aye

**(1) JOSE BARRAGAN, CASE NO. 04-2223**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.

**ACTION: DENIED**

**(2) DANIEL CASTRO, CASE NO. 04-2080**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Suitability and felony conviction.

**ACTION: GRANT** – The appellant does not have a firearms prohibition and felony reduced to a misdemeanor.

**(3) SCOTT CHAMBERLAIN, CASE NO. 04-2295**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Omitted pertinent information during the selection process; arrest/conviction record.

**ACTION: DENIED**

- (4) **BERTRAM CLARKE, CASE NO. 05-0416**  
**Classification:** Medical Technical Assistant  
**Department:** Corrections  
**Issue:** Suitability; negative employment record, omitted pertinent information and furnished inaccurate information during the selection process.  
**ACTION: DENIED**
- (5) **JOHN CRAWFORD, CASE NO. 04-1926**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and a negative employment record.  
**ACTION: DENIED**
- (6) **MELISSA CURL, CASE NO. 04-2710**  
**Classification:** Medical Technical Assistant  
**Department:** Corrections  
**Issue:** The appellant omitted pertinent information and furnished inaccurate information during the selection process.  
**ACTION: DENIED**
- (7) **WILLIE DEED, CASE NO. 04-3052**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and had a negative employment record.  
**ACTION: DENIED**
- (8) **SHEILA HOLLOMAN, CASE NO. 04-2719**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** The appellant omitted pertinent information about her negative employment record.  
**ACTION: DENIED**
- (9) **EDGAR JAUREGUI, CASE NO. 05-0653**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, had an arrest conviction record, negative law enforcement contacts and a negative driving record.  
**ACTION: DENIED**



- (10) **DESHEMIA JOHNSON, CASE NO. 04-2594**  
**Classification:** Medical Technical Assistant (MTA)  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information, omitted pertinent information, negative employment and failure to comply with legal obligations.  
**ACTION: DENIED**
- (11) **ERIN KIRKPATRICK, CASE NO. 04-1836**  
**Classification:** Associate Information Systems Analyst  
**Department:** Department of Transportation  
**Issue:** Whether the appellant met the Minimum Qualifications.  
**ACTION: DENIED**
- (12) **EDUARDO LOPEZ, CASE NO. 04-2079**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (13) **ISREAL MARTINEZ, CASE NO. 04-1833**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, furnished inaccurate information and negative law enforcement contacts.  
**ACTION: DENIED**
- (14) **NICHOLAS NELSON, CASE NO. 04-2432**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; furnished inaccurate information negative law enforcement contacts and an arrest/conviction record.  
**ACTION: DENIED**
- (15) **SERGIO PEREZ, CASE NO. 04-1439**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and omitted pertinent information.  
**ACTION: DENIED**

- (16) **JOHN PERRY, CASE NO. 04-2531**  
**Classification:** State Traffic Officer Cadet  
**Department:** California Highway Patrol  
**Issue:** Suitability; omitted pertinent information and furnished inaccurate information.  
**ACTION: DENIED**
- (17) **JARVIEL RAYFORD, SR., CASE NO. 04-2529**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability; omitted pertinent information, arrest/conviction record, and had negative law enforcement contacts.  
**ACTION: DENIED**
- (18) **ROBERT SILVEIRA, CASE NO. 04-2888**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and illegal drug usage.  
**ACTION: GRANT**
- (19) **GONZALO VARELA, CASE NO. 04-2532**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability and had negative law enforcement contacts.  
**ACTION: DENIED**
- (20) **GERALD WILLIAMS, CASE NO. 04-1784**  
**Classification:** Correctional Officer  
**Department:** Department of Corrections  
**Issue:** Suitability; negative employment history, negative law enforcement contacts.  
**ACTION: DENIED**
- (21) **NATHANIEL WILLIAMS, CASE NO. 04-1993**  
**Classification:** Correctional Officer  
**Department:** Corrections  
**Issue:** Suitability, omitted pertinent information and failure to meet legal obligations.  
**ACTION: DENIED**

**B. MEDICAL AND PSYCHOLOGICAL SCREENING APPEALS**

Cases heard by a Staff Hearing Panel comprised of a managerial staff member of the State Personnel Board and a medical professional.

On July 26, 2005, the Board adopted as indicated below the following decisions presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan - Aye

**(1) ROBBI GEYSER, CASE NO. 04-2674**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Does sufficient evidence exist to support the psychological disqualification of the appellant?

**ACTION: DENIED**

**(2) LEONORA HUTCHISON, CASE NO. 04-2575**

**Classification:** Correctional Officer

**Department:** Corrections

**Issue:** Does sufficient evidence exist to support the psychological disqualification of the appellant?

**ACTION: DENIED**

**C. EXAMINATION APPEALS  
MINIMUM QUALIFICATIONS  
MERIT ISSUE COMPLAINTS**

Cases would have been heard by a Staff Hearing Officer, a managerial staff member of the State Personnel Board or investigated by Appeals Division staff. The Board would have been presented recommendations by a Staff Hearing Officer or Appeals Division staff for final decision on each appeal.

**EXAMINATION APPEALS**

**NONE**

**MINIMUM QUALIFICATIONS**

**NONE**

**MERIT ISSUE COMPLAINTS**

**NONE**

**D. RULE 211 APPEALS  
RULE 212 OUT OF CLASS APPEALS  
VOIDED APPOINTMENT APPEALS**

Cases would have been heard by a Staff Hearing Officer, or a managerial staff member of the State Personnel Board. The Board would have been presented recommendations by a Staff Hearing Officer for final decision on each appeal.

**NONE**

**E. REQUEST TO FILE CHARGES CASES**

Investigated by Appeals Division staff.

On July 26, 2005, the Board adopted as indicated below the following decisions presented by Laura M. Aguilera, Assistant Executive Officer, California State Personnel Board.

VOTE: Elkins, Tom, Sheehan - Aye

- (1) TIMOTHY FORD, CASE NO. 04-2588**  
**Classification:** Member of the public  
**Department:** California Highway Patrol  
**Issue:** The charging party requests that charges are filed against the charged party for violations of various subsections of Government Code, section 19572.  
**ACTION: DENIED**
- (2) FRANCIS LA BLANC, CASE NO. 04-2405**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** California Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of the Atascadero State Hospital.  
**ACTION: DENIED**
- (3) CHRISTIAN WILLIAMS, CASE NO. 04-2267**  
**Classification:** Civilly Committed Patient at Atascadero State Hospital  
**Department:** California Department of Mental Health  
**Issue:** The charging party requests to file charges against an employee of the Atascadero State Hospital.  
**ACTION: DENIED**

**PETITIONS FOR REHEARING CASES**

**NONE**

**F. PSYCHOLOGICAL SCREENING CASES**

Cases would have been reviewed by Appeals Division staff, but no hearing was held. It was anticipated that the Board would have acted on these proposals without a hearing.

**NONE**

**SUBMITTED**

**1. TEACHER STATE HOSPITAL (SEVERELY), ETC.**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**2. VOCATIONAL INSTRUCTOR (SAFETY)(VARIOUS SPECIALTIES)**

Departments of Mental Health and Developmental Services. (Hearing held December 3, 2002.)

**NO ACTION**

**3. TELEVISION SPECIALIST (SAFETY)**

The Department of Corrections proposes to establish the new classification Television Specialist (Safety) by using the existing Television Specialist class specification and adding "Safety" as a parenthetical to recognize the public aspect of their job, additional language will be added to the Typical Tasks section of the class specification and a Special Physical Characteristics section will be added. (Presented to Board March 4, 2003.)

**NO ACTION**

**4. HEARING – Personal Services Contract #04-03**

Appeal of the California State Employees Association from the Executive Officer's April 15, 2004, Approval of Master Contracts between the California Department of Corrections and Staffing Solutions, CliniStaff, Inc., Staff USA, Inc., CareerStaff Unlimited, MSI International, Inc., Access Medical Staffing & Service, Drug Consultants, Infinity Quality Services Corporation, Licensed Medical Staffing, Inc., Morgan Management Services, Inc., Asereth Medical Services, and PrideStaff dba Rx Relief. (Hearing held August 12, 2004.)

**NO ACTION**

**5. HEARING**

Proposed new and revised State Personnel Board Regulations effecting equal opportunity, discrimination complaints and reasonable accommodation policies and procedures. (Hearing held July 7, 2004.)

**NO ACTION**

**6. JAMES MCAULEY, CASE NO. 04-1856.**

Appeal from dismissal. Associate Transportation Engineer. Department of Transportation. (Oral argument held June 7, 2005.)

**NO ACTION**

**7. HEARING – Personal Services Contract #05-03**

Appeal of SEIU Local 1000 (CSEA) from the Executive Officer's February 16, 2005 Approval of a Contract for Information Technology Services between the California Department of Health Services (DHS) and IDNS, Inc. (Hearing held July, 13, 2005)

**NO ACTION**

**8. PATRICK BARBER, CASE NO. 04-0174A.**

Appeal from dismissal. Youth Correctional Officer. Department of Youth Authority. (Oral Argument held July 13, 2005)

**NO ACTION**

**NOTICE OF GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

Since Government Code section 18671.1 requires that cases pending before State Personnel Board Administrative Law Judges (ALJ's) be completed within six months or no later than 90 days after submission of a case, whichever is first, absent the publication of substantial reasons for needing an additional 45 days, the Board hereby publishes its substantial reasons for the need for the 45-day extension for some of the cases now pending before it for decision.

An additional 45 days may be required in cases that require multiple days of hearings, that have been delayed by unusual circumstances, or that involve any delay generated by either party (including, but not limited to, submission of written briefs, requests for settlement conferences, continuances, discovery disputes, pre-hearing motions). In such cases, six months may be inadequate for the ALJ to hear the entire case, prepare a proposed decision containing the detailed factual and legal analysis required by law, and for the State Personnel Board to review the decision and adopt, modify or reject the proposed decision within the time limitations of the statute.

Therefore, at its next meeting, the Board will issue the attached resolution extending the time limitation by 45 days for all cases that meet the above criteria, and that have been before the Board for less than six months as of the date of the Board meeting.



**GOVERNMENT CODE SECTION 18671.1 RESOLUTION**

**WHEREAS**, Section 18671.1 provides that, absent waiver by the appellant, the time period in which the Board must render its decision on a petition pending before it shall not exceed six months from the date the petition was filed or 90 days from the date of submission; and

**WHEREAS**, Section 18671.1 also provides for an extension of the time limitations by 45 additional days if the Board publishes substantial reasons for the need for the extension in its calendar prior to the conclusion of the six-month period; and

**WHEREAS**, the Agenda for the instant Board meeting included an item titled "Notice of Government Code section 18671.1 Resolution" which sets forth substantial reasons for utilizing that 45-day extension to extend the time to decide particular cases pending before the Board;

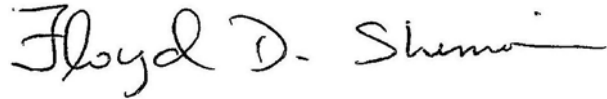
**WHEREAS**, there are currently pending before the Board cases that have required multiple days of hearing and/or that have been delayed by unusual circumstances or by acts or omissions of the parties themselves;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** that the time limitations set forth in Government Code section 18671.1 are hereby extended an additional 45 days for all cases that have required multiple days of hearing or that have been delayed by acts or omissions of the parties or by unusual circumstances and that have been pending before the Board for less than six months as of the date this resolution is adopted.

\* \* \* \* \*

I hereby certify that the State Personnel Board made and adopted the preceding resolution at its meeting on July 26, 2005.

VOTE: Elkins, Tom, Sheehan – Aye

A handwritten signature in black ink, reading "Floyd D. Shimomura". The signature is written in a cursive style with a horizontal line extending from the end.

FLOYD D. SHIMOMURA  
Executive Officer  
California State Personnel Board